

Art Unit: 2123

**ATTACHMENT TO FORM PTOL-90**

1. This communication is in response to Applicants' Amendment received on 17 July 2001.

2. The Amendment contained a response to a "Request for Information Under 37 C.F.R. § 1.105" (the "Response") including the submission of an Information Disclosure Statement. However, for the reasons detailed below, the Response is held to be non-responsive, and Applicants are given one month to provide additional information and/or explanation.

**2.1** The Request for Information included "the names of any products or services that have incorporated the claimed subject matter." In the Remarks to the Amendment, Applicants state "... Applicants hereby represent that no products or services, other than that discussed in the May 22, 2001, Interview, have incorporated the claimed subject matter."

Although the Examiner remembers a brief discussion of this point during the Interview, no information regarding the products or services was placed into the record via the Interview Summary, Paper No. 4. Applicants are requested to formally respond to this request with written description of the products or services that have incorporated the claimed subject matter.

**2.2** The Request for Information included "the citation and a copy of each publication that any of the applicants relied upon to develop the disclosed subject matter." In response, Applicants supplied an Information Disclosure Statement listing one document.

However, the Remarks to the Amendment additionally identify three other papers not submitted and not appearing on the Information Disclosure Statement. According to Applicants on page 5 of the Amendment: "Documents (1)-(3) are marked "FOR-OFFICIAL-USE-ONLY"

Art Unit: 2123

by the Department of Defense and thus not attached to the IDS. The Examiner, as a federal employee, is invited to make arrangements to obtain these documents.”

It is unclear what why the statement “FOR-OFFICIAL-USE-ONLY” on the documents has prevented Applicants from submitting copies. Applicants are requested to review MPEP Chapter 100 “Secrecy, Access, National Security, and Foreign Filing”. The Examiner reviewed MPEP Section 121 and then queried an official of Group 3640 regarding the meaning of the statement “FOR-OFFICIAL-USE-ONLY.” The official replied that he was unaware of the meaning of the statement “FOR-OFFICIAL-USE-ONLY” appearing on documents from the Department of Defense.

The Examiner has attempted to obtain these documents, and was only able to obtain a copy of document (3). Applicants are requested to submit copies of documents (1)-(2), or submit further explanation regarding why submission is impossible.

3. Applicants’ Response appears to indicate that at the time of invention, Applicants had either a contractual or employment relationship with the Department of Defense. Therefore, it is suggested that Applicants review MPEP Section 310 and determine whether the section is applicable to this Application.

4. Applicants are directed to see 37 CFR 1.111 and MPEP Section 714.03. Since the above-mentioned Amendment appears to be bona fide, Applicants are given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer,

Art Unit: 2123

within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samuel Broda, whose telephone number is (703) 305-1026. The Examiner can normally be reached on Mondays through Fridays from 8:00 AM – 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kevin Teska, can be reached at (703) 305-9704. The fax phone number for this group is (703) 308-1396.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist, whose telephone number is (703) 305-3900.



SAMUEL S. BRODA  
PATENT EXAMINER